GALTON & HELM
STEPHEN H. GALTON (State Bar No. 46732)
CHRIS D. OLSEN (State Bar No. 151007)
500 South Grand Avenue, Suite 1200
Los Angeles, CA 90071-2609 (213) 629-8800

Attorneys for Defendant
PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CASE NO. CV-95-0493
DT (EX)
RESPONSES TO REQUESTS FOR ADMISSIONS

CHARLIE SHEPHARD,
Plaintiff,

VERSUS

PROVIDENT LIFE & ACCIDENT INSURANCE COMPANY, and DOES 1 through 100, inclusive,
Defendant.

PROPOUNDING PARTY:
Plaintiff CHARLES SHEPHARD
RESPONDING PARTY:
Defendant PROVIDENT LIFE & ACCIDENT INSURANCE COMPANY

SET NUMBER: One

At the time of answering Request for Admissions, Defendant PROVIDENT LIFE & ACCIDENT INSURANCE COMPANY ("PROVIDENT") has not completed its discovery or investigation with respect to the facts and issues of this case. PROVIDENT therefore serves its Responses to Request for Admissions based upon available information without prejudice to PROVIDENT's right to introduce evidence at trial which may be discovered through future investigation and discovery, and to assert new or additional issues based upon such subsequently discovered evidence. Moreover, in answering Request for Admissions, PROVIDENT does not intend to waive any privileged attorney-client communications and/or attorney work-product relative to the subject matter of Request for Admissions.

REQUEST FOR ADMISSION NO. 1:

Admit that Plaintiff's coverage for Daughter, Angela, has no bearing on this case.

RESPONSE TO REQUEST FOR ADMISSION NO. 1.:

Objection. PROVIDENT objects to this request on the grounds that it is vague, ambiguous, and unintelligible with respect to the use of the words "no bearing on this case." Plaintiff's Complaint contains references to facts relating to insurance coverage for Plaintiff's daughter, Angela. PROVIDENT would be willing to stipulate, however, that Plaintiff is not seeking any damages in this case relating to insurance coverage for Plaintiff's daughter, Angela.

REQUEST FOR ADMISSION NO. 2.:

Admit that Plaintiff had full coverage on August 10, 1994, and continuing thereafter pursuant to a plan with Los Angeles County Employees Retirement.

RESPONSE TO REQUEST FOR ADMISSION NO. 2.:

Admit that Plaintiff was covered under PROVIDENT Group Policy No. 11042, issued to the Los Angeles County Employees Retirement Association, for dental and vision benefits, on August 10, 1994, and at all times thereafter, to date.

REQUEST FOR ADMISSION NO. 3.:

Admit that Plaintiff's coverage was never canceled

RESPONSE TO REQUEST FOR ADMISSION NO. 3.:

Admit that Plaintiff's coverage under PROVIDENT Group Policy No. 11042 was never canceled as to himself, however Plaintiff did cancel coverage under the same policy for his daughter, Angela.

REQUEST FOR ADMISSION NO. 4.:

Admit that Provident failed and refused to make payment on claim(s) submitted on August 10, 1994 and August 16, 1994.

RESPONSE TO REQUEST FOR ADMISSION NO. 4.:

Objection. PROVIDENT objects to this request on the grounds that it is vague and ambiguous as to time. Although PROVIDENT originally denied Plaintiff's claims for dental treatment obtained on August 10, 1994 and August 16, 1994, PROVIDENT has since made payments on these claims.

DATED: June 6, 1995

GALTON & HELM
CHRIS D. OLSEN

BY_____
CHRIS D. OLSEN
ATTORNEYS FOR DEFENDANT
PROVIDENT LIFE & ACCIDENT INSURANCE COMPANY